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SAFEWAY INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEBRA HORN,
Plaintiff,
vs.
SAFEWAY INC. and Does 1-50,
Defendants.

Case No. 3:19-cv-02488-JCS

**DECLARATION OF KEVIN LOVELL IN
SUPPORT OF DEFENDANT SAFEWAY
INC.'S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

Date: April 30, 2021
Time: 9:00 a.m.
Courtroom: Courtroom F, 15th Floor
Judge: Hon. Joseph C. Spero

Action Filed: March 11, 2019
Notice of Removal Filed: May 8, 2019
Trial Date: September 27, 2021

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1 I, KEVIN LOVELL, declare:

2 1. From 2011 through June 2017, I was employed by Defendant Safeway Inc.
3 ("Safeway") as a District Manager for District 7, which included Store No. 1953 in Dublin,
4 California (the "Dublin store"). I make this declaration in support of Safeway's Motion for
5 Partial Summary Judgment. I make this declaration of my own personal knowledge and could
6 testify competently thereto under oath if called as a witness.

7 2. I made the decision to terminate the employment of Plaintiff Debra Horn, who
8 was an employee at the Dublin store, effective June 28, 2017, based on an investigation and
9 finding that she had violated multiple company policies in connection with an incident in which
10 she spoke to the police and falsely accused two customers of an intent to shoplift.

11 3. During this period of time (2011 through June 2017), and at the time I made the
12 decision to terminate Ms. Horn's employment, I was not an officer or director of Safeway Inc. I
13 also did not have the authority to make, modify and/or deviate from corporate policy. Rather, I
14 implemented the company's directives that were set and established by others in a manner that
15 complied with and was consistent with corporate policy. My job responsibilities included
16 making sure that the policies created and established by others were followed.

17 4. None of the management employees who worked in the Dublin store were officers
18 or directors of Safeway Inc. They also did not have the authority to make, modify and/or deviate
19 from corporate policy. Rather, they implemented the company's directives that were set and
20 established by others in a manner that complied with and was consistent with corporate policy.
21 Their job responsibilities included making sure that the policies created and established by others
22 were followed. They also did not have the authority to terminate the employment of any
23 employees.

24 I declare under penalty of perjury under the laws of the State of California and the United
25 States of America that the foregoing is true and correct.

26 Executed this 25th day of February, 2021 in Pleasanton, California.

27 
28 KEVIN LOVELL